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SEBASTIAN ALYXANDER NEWMAN  
7

8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
10

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 vs.

14 SEBASTIAN ALYXANDER  
NEWMAN,

15 Defendant.  
16

Case No. 1:20-cr-00075-DAD

DEFENDANT SEBASTIAN NEWMAN'S  
**UNOPPOSED** MOTION FOR EARLY  
TERMINATION OF SUPERVISED RELEASE;  
ORDER

Hon. Dale A. Drozd

17 Defendant Sebastian Newman, through his attorney, Assistant Federal Defender Christina  
18 M. Corcoran, hereby moves this Court for early termination of his supervised release pursuant to  
19 18 U.S.C. § 3583(e)(1). This motion is unopposed by all parties—including the Probation Office,  
20 the United States Attorney's Office for the District of Utah, which handled the prosecution, and  
21 the United States Attorney's Office for the Eastern District of California.

22 **PROCEDURAL HISTORY**

23 On August 9, 2017, Mr. Newman was charged with a violation of 18 U.S.C. § 922(g)(1)  
24 in the District of Utah. ECF Dkt. # 3, at 6-7 (indictment); *see also* 2:17-cr-00466-DS (Utah case,  
25 at Dkt. # 1). Mr. Newman immediately accepted responsibility and put his case on for a change  
26 of plea within two months of his arraignment. ECF Dkt. # 3, at 3. On January 3, 2018, the Court  
27 sentenced Mr. Newman to a term of 24-months. ECF Dkt. # 3, at 4.

28 Mr. Newman's three-year term of supervised release commenced on September 16, 2019.

1 On April 16, 2020, jurisdiction was transferred from the District of Utah to the Eastern District  
2 of California. ECF Dkt. # 2.

3 Over the last 28 months of supervision, Mr. Newman has remained in compliance with  
4 all terms and conditions of his supervised release. As set forth in more detail below, he has come  
5 a long way since the time of the offense five years ago. He has relocated from Utah to  
6 California, where he lives with and supports his grandmother. He has excelled at his job and  
7 chooses to work more than 60 hours per week. And, most importantly, he has earned the  
8 confidence of his Probation Officer, Chris Frausto, who recommends his early termination from  
9 supervision.

### 10 **LEGAL STANDARD**

11 Title 18, United States Code, Section 3583(e)(1) provides that a court may “terminate a  
12 term of supervised release and discharge the defendant released at any time after the expiration  
13 of one year of supervised release . . . if it is satisfied that such action is warranted by the conduct  
14 of the defendant released and the interest of justice.” 18 U.S.C. § 3583(e)(1); *see also* 18 U.S.C.  
15 § 3564(c). Section 3583(e) directs the Court to consider the purposes of sentencing set forth in  
16 18 U.S.C. § 3553(a)(1) (nature and circumstances of offense, and history and circumstances of  
17 defendant); 3553(a)(2)(b)(adequate deterrence to criminal conduct); 3553(a)(2)(C) (protect  
18 public from further crimes of defendant); (a)(2)(D)(provide needed training, care, or treatment);  
19 (a)(4) (kinds of sentence available); (a)(5) (policy statements); (a)(6) (avoid unwarranted  
20 disparities); and (a)(7) (restitution).

21 Termination of supervised release is not limited to cases of “exceptionally good  
22 behavior.” *See United States v. Ponce*, 2022 U.S. App. LEXIS 726 (9th Cir. 2022) (rejecting the  
23 “exceptional behavior” rule as incorrect as a matter of law). Rather, the “district court enjoys  
24 discretion to consider *a* wide range of circumstances when determining whether to grant early  
25 termination.” *Ponce*, 2022 U.S. App. LEXIS 726, at 5-6 (quoting *United States v. Emmett*, 749  
26 F.3d 817, 819 (9th Cir. 2014) and 18 U.S.C. § 3583(e)(1)).

27 On February 16, 2012, the Honorable Robert Holmes Bell, Chair of the Committee on  
28 Criminal Law of the Judicial Conference, issued a memorandum to all United States District

1 Court Judges encouraging them to grant early termination of supervised release in appropriate  
2 cases as an effort to reduce expenditures in the probation and pretrial services programs.  
3 Terminating “appropriate cases before they reach their full term saves resources and allows  
4 officers to focus on offenders who continue to pose the greatest risk of recidivism.” Analysis by  
5 the Administrative Office of the Courts indicates that offenders who received early termination  
6 were “arrested less often, for less serious charges, and were sentenced to terms of imprisonment  
7 less often.” Accordingly, “[f]rom a policy standpoint, it appears that the above criteria, when  
8 properly applied, does not jeopardize public safety.” *Id.*

### 9 FACTUAL BASIS SUPPORTING MOTION

10 Sebastian Newman’s supervision was transferred to the Eastern District of California  
11 because he relocated to Modesto to live with and support his 73-year-old grandmother, Pauline  
12 Knight. Ms. Knight writes to the Court about how well Mr. Newman has been doing and the  
13 significance of his contribution to her life. *See* Ex. A (Letter from Pauline Knight) (“Sebastian  
14 was a wonderful surprise. He got a job and has worked everyday scheduled and many hours of  
15 overtime. He pays for his room and board on time every week. . . He helps me around the house  
16 and anything I might need. He is a joy to have here.”).

17 Mr. Newman chooses to work as much as he can to support himself and his grandmother.  
18 He works significant overtime at his job at Farmer’s Warehouse in Ceres—consistently putting  
19 in more than 60 hours per week and taking shifts that last until one o’clock in the morning. In  
20 that role, he takes on a variety of different responsibilities, including driving forklifts, loading  
21 and moving trucks, unloading trailers, and restocking shelves, among many other tasks. He has  
22 been excelling and has earned a raise in recognition of his good work.

23 Mr. Newman has grown tremendously since the time of the offense. He has overcome  
24 his drug addiction to methamphetamine and has been clean for approximately six years. He  
25 successfully completed drug treatment programs, including a 6-month program, followed by  
26 ongoing treatment three times per week, which was reduced to once per week group therapy. As  
27 a result, Probation no longer requires Mr. Newman to participate in drug testing.

28 Mr. Newman has made an admirable amount of personal progress. His background,

1 including exposure and addiction to drugs as a preteen, homelessness, and emancipation from his  
2 parents following an abusive relationship with his stepfather, is but a distant memory. He now  
3 takes pride in his sobriety, in his work, and his commitment to caring for his grandmother.

4 In recognition of Mr. Newman's excellent conduct under supervision, his Probation  
5 Officer, Chris Frausto, supports and recommends the early termination of his supervision.  
6 Mr. Newman has demonstrated that he is more than capable of living a law-abiding life and  
7 being a productive member of society. Further supervised release is not necessary to protect the  
8 public. As such, termination of his supervision at this time will allow the Probation Office to  
9 focus its resources on offenders who continue to pose the greatest risk of recidivism.

10 Prior to the filing of this motion, undersigned counsel reached out to the United States  
11 Attorney's Office for the District of Utah, which handled the prosecution. After conferring with  
12 Probation, they have no objection to the early termination of Mr. Newman's supervised release.  
13 Counsel also reached out to the U.S. Attorney's Office for the Eastern District of California, and  
14 they likewise have no opposition to this motion.

#### 15 IV. CONCLUSION

16 Based on the foregoing, Mr. Newman respectfully requests that this Court grant his  
17 unopposed motion for early termination of supervised release.

18  
19 Respectfully submitted,

20 HEATHER E. WILLIAMS  
21 Federal Defender

22 Date: January 20, 2022

23 /s/ Christina M. Corcoran  
24 CHRISTINA M. CORCORAN  
25 Assistant Federal Defender  
26 Attorney for Defendant  
27 SEBASTIAN ALYXANDER NEWMAN  
28

**ORDER**

Pursuant to 18 U.S.C. § 3583(e), the Court hereby terminates Defendant Sebastian Newman's term of supervised release.

IT IS SO ORDERED.

Dated: **January 20, 2022**

  
UNITED STATES DISTRICT JUDGE